

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

File No. 1:19-cr-00041

PHILIP GORDON PAAUWE,

Defendant.

/

Hearing

Before

THE HONORABLE ELLEN S. CARMODY  
United States Magistrate Judge  
February 28, 2019

APPEARANCES

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1 Grand Rapids, Michigan

2 Thursday, February 28, 2019 - 1:39 p.m.

3 THE COURTROOM DEPUTY: Court calls case

4 1-19-cr-41, U.S.A. versus Philip Gordon Paauwe.

5 THE COURT: Good afternoon. Would counsel  
6 please put your appearances on the record.

7 MS. SANFORD: Good afternoon, your Honor.

8 Alexis Sanford appearing on behalf of the United States.

9 Present with me at counsel table is AUSA Kristin Pinkston.

10 THE COURT: Good afternoon to both of you.

11 MR. BORGULA: Good afternoon, your Honor. Matt  
12 Borgula on behalf of Philip Paauwe, who is standing to my  
13 right.

14 THE COURT: Oh, good afternoon to you, and good  
15 afternoon to you, Mr. Paauwe.

16 MR. PAAUWE: Good afternoon, your Honor.

17 THE COURT: This is the date and time set for  
18 Mr. Paauwe's initial appearance and an arraignment, and I  
19 believe we're also going to conduct an initial pretrial  
20 conference at this time.

21 I'm going to talk to you about your rights in  
22 some detail, Mr. Paauwe, and talk to you about what the  
23 charge is against you, what the penalties for that could  
24 be, and at the end of the arraignment you'll have a chance  
25 to come up with your attorney for purposes of entering a

plea.

MR. PAAUWE: Yes, your Honor.

THE COURT: And the first thing I want to tell you is you do have the right to remain silent. You do not have to say anything to anyone about what you've been charged with. You don't have to say anything to me, you don't have to say anything to anyone from law enforcement, or to anyone else. However, anything that you do say can and may be used against you at the trial of this matter.

Do you understand that, sir?

MR. PAAUWE: Yes, I do, your Honor.

THE COURT: Okay. Now I'm just flipping through my things to make sure I don't miss anything.

Now in terms of you also have the right to have an attorney represent you at every stage of this proceeding. You are free to hire your own attorney, which I believe he has done. He's retained you, Mr. Borgula?

MR. BORGULA: That's correct, your Honor.

THE COURT: All right. And that is fine. However, if you could not afford an attorney and request a court-appointed counsel, and you qualified financially, counsel would be appointed to represent you at no charge to you. Do you understand that, sir?

MR. PAAUWE: Yes, I do, your Honor.

THE COURT: And let me ask you before we go any

1 further, is there anything wrong with you today, either  
2 physically or mentally, that would make it difficult for  
3 you to follow what is going on here?

4 MR. PAAUWE: No, your Honor.

5 THE COURT: Have you had any prescription  
6 medication or any other substance in the last 24 hours that  
7 would make you sleepy, dizzy, drowsy, confused, anything  
8 like that?

9 MR. PAAUWE: No, your Honor.

10 THE COURT: And is there anything -- you also  
11 have the right to have the charges against you reviewed by  
12 a grand jury, and that, in fact, has occurred in this case.  
13 A grand jury is at least 16 and not more than 23 people.  
14 Their job is to listen to evidence and decide when they  
15 think there is probable cause to believe a crime has been  
16 committed and that you have been involved in committing it.  
17 At least 12 grand jurors has to find probable cause to  
18 return what's called an indictment against you, and then  
19 the charges against you can proceed to trial. And as I  
20 already stated, that has already occurred in your case.

21 You have the right to plead not guilty and the  
22 right to a trial by a jury of 12 persons selected at random  
23 from this community. You are presumed to be innocent and  
24 the government has the burden of proving you guilty beyond  
25 a reasonable doubt. You have the right to have your jury

1 trial be both speedy and public. At trial you have the  
2 right to testify or you may remain silent. You have the  
3 right to present evidence to confront and cross-examine the  
4 witnesses against you, to call witnesses to testify for  
5 you, and to have the Court issue court orders called  
6 subpoenas forcing witnesses to come to the trial if you  
7 think they will have testimony that is helpful to you. And  
8 you have the right to have your attorney help you do all of  
9 those things.

10 You may plead any one of three ways: Not  
11 guilty, guilty, or with the consent of the district judge,  
12 in your case that would be the Honorable Paul Maloney, you  
13 can plead something that's called no contest. You also do  
14 not have to enter a plea. If you choose not to enter a  
15 plea, that's called standing mute. The court will enter a  
16 not guilty plea on your behalf. If you plead guilty or no  
17 contest, there's no further trial of any kind. By entering  
18 this type of a plea, you give up your right to a trial by a  
19 jury or judge. You give up your right against  
20 self-incrimination, and your right to confront and  
21 cross-examine witnesses against you, and to call witnesses  
22 to testify for you.

23 Now, do you have any questions at this time  
24 about any of your rights as I've described them to you?

25 MR. PAAUWE: I do not, your Honor.

1 THE COURT: And how far did you get in school,  
2 sir?

3 MR. PAAUWE: I have a bachelor's degree, your  
4 Honor.

5 THE COURT: All right. And have you had a  
6 chance to read and sign the Defendant's Rights Form?

7 MR. PAAUWE: Yes, I have, your Honor.

10 MR. PAAUWE: Yes, I have, your Honor.

11 THE COURT: Okay. And is that -- have you had  
12 the chance to discuss that with Mr. Borgula?

13 MR. PAAUWE: Yes, I have, your Honor.

14 THE COURT: Will he waive the reading of the  
15 indictment if I summarize it for him, Mr. Borqua?

16 MR. BORGULA: Yes, your Honor.

17 THE COURT: Counts 1 and 4 each charge you with  
18 coercion and enticement of a minor, and there is a minimum  
19 penalty of ten years in prison, a maximum penalty of up to  
20 life in prison, and/or up to a \$250,000 fine, supervised  
21 release, minimum of five years and maximum of life.

22 Restitution is mandatory, and there's also a special  
23 assessment of \$5,100. And you'd also have to register as a  
24 sex offender. There's also a forfeiture claim in the  
25 indictment. That is not a separate charge. It's simply

1 seeking the forfeiture of various items, including pictures  
2 and -- that are alleged to be involved, and also some  
3 iPhone. So that's the nature of the forfeiture charge.

4 Now Count 2 charges you with sexual exploitation  
5 of a minor, and there's a minimum penalty of not less than  
6 15 years in prison, a maximum penalty of not more than 30  
7 years in prison, and/or up to a \$250,000 fine, a minimum  
8 supervised release period of at least five years, and a  
9 maximum supervised release period of life. There's  
10 mandatory restitution and a special assessment of \$5100.  
11 And you'd also have to register as a sex offender. And  
12 there's also a forfeiture, the same count in -- or the same  
13 allegations in support of that charge.

14 Count 3 charges you with receipt of child  
15 pornography, and there's a minimum penalty of not more than  
16 five years in prison, maximum penalty of not more than 20  
17 years in prison, and/or up to \$250,000 fine, a minimum term  
18 of supervised release of five years, a maximum term of up  
19 to life. Restitution is mandatory. There's also a \$5100  
20 special assessment, and you'd have to register as a sex  
21 offender, and the forfeiture allegations also attach to  
22 that count.

23 Count 5 charges you with possession of child  
24 pornography, and there is a maximum penalty -- maximum  
25 penalty of up -- there's no minimum penalty attached to

1                   that, but there's a maximum penalty of not more than 20  
2                   years in prison and/or up to a \$250,000 fine, minimum  
3                   supervised release period of five years, a maximum  
4                   supervised release period of life, restitution is  
5                   mandatory. There is a \$5100 special assessment, and you  
6                   would also have to register as a sex offender.

7                   Now I don't want you to say anything about the  
8                   charges at this time, but I do want to know, do you think  
9                   you understand what you've been charged with?

10                  MR. PAAUWE: Yes, I do, your Honor.

11                  THE COURT: And do you understand what the  
12                  penalties for that could be?

13                  MR. PAAUWE: Yes, I do, your Honor.

14                  THE COURT: All right, Mr. Borgula, would you  
15                  and your client please come up to the podium at this time.  
16                  Is your client, Mr. Paauwe, prepared to enter a plea at  
17                  this time?

18                  MR. BORGULA: Yes, your Honor. He pleads not  
19                  guilty to all counts.

20                  THE COURT: So a not guilty plea will be entered  
21                  on your behalf, Mr. Paauwe, to Counts 1, 4, 2, 3, and 5.  
22                  You may be seated. Thank you, sir.

23                  The next thing we are going to do is to have  
24                  what's called an initial pretrial conference. This is a  
25                  very brief proceeding. It's really your attorney's chance

1 to learn a little bit more about the government's case  
2 against you, and if Mr. Borgula has not discussed with you  
3 the government's disclosures, I'm sure he will be doing so  
4 in the near future.

5 Ms. Sanford, are you -- is your pretrial  
6 conference summary statement in good order?

7 MS. SANFORD: Yes, your Honor.

8 THE COURT: All right. Any problems, questions,  
9 or concerns with it, Mr. Borgula?

10 MR. BORGULA: No, your Honor.

11 THE COURT: And is yours also in good order?

12 MR. BORGULA: We haven't filed one yet, but we  
13 will do so in short order, your Honor.

14 THE COURT: Okay, a five day order will go out,  
15 all right?

16 MR. BORGULA: Thank you, your Honor.

17 THE COURT: Okay. And so you don't know if you  
18 have any problems, questions, or concerns with it at this  
19 time?

20 MS. SANFORD: Correct.

21 THE COURT: And I believe that the government is  
22 moving for Mr. Paauwe's detention; is that correct?

23 MS. SANFORD: That is correct, your Honor.

24 THE COURT: And I think we're going to have our  
25 detention hearing, as I recall, at 3:30 p.m.; is that

1 correct?

2 MS. SANFORD: Yes, your Honor. I -- this is  
3 Mr. Reust's case, but I believe he wanted to call a witness  
4 who is not available until later in the afternoon, and so  
5 that's why there's this bifurcated hearing.

6 THE COURT: Okay, that's fine. And are you  
7 prepared to come to that hearing, Mr. Borgula?

8 MR. BORGULA: Yes, your Honor. That's fine.

9 THE COURT: All right. Now before I adjourn  
10 your matter, Mr. Paaue, do you have any questions you  
11 would like to ask me at this time?

12 MR. PAAUWE: No, I do not, your Honor.

13 THE COURT: And how about you, Mr. Borgula?  
14 Anything further from your point of view?

15 MR. BORGULA: No, your Honor. Thank you.

16 THE COURT: Ms. Pinkston -- or no, Ms. Sanford,  
17 anything further from your point of view?

18 MS. SANFORD: No, thank you, your Honor.

19 THE COURT: All right, this matter is adjourned.  
20 I'll see you all back here at 3:30.

21 (At 1:50 p.m., off the record.)

22 (At 4:00 p.m., back on the record.)

23 THE COURT: Good afternoon, would counsel please  
24 put your appearances on the record.

25 MR. REUST: Good afternoon, your Honor. Davin

1 Reust for the United States, and seated to my left is  
2 Detective Joel Siemens.

3 DETECTIVE JOEL SIEMENS: Good afternoon, your  
4 Honor.

5 THE COURT: Good afternoon to you.

6 MR. BORGULA: Good afternoon, your Honor. Matt  
7 Borgula on behalf of Philip Paauwe, who is seated to my  
8 right.

9 THE COURT: Good afternoon to you, and good  
10 afternoon to you, Mr. Paauwe. This is the time set for  
11 Mr. Paauwe's detention hearing. I -- he had his initial  
12 appearance and arraignment this morning. And are you  
13 prepared to proceed at this time, Mr. Borgula?

14 MR. BORGULA: Yes, your Honor.

15 THE COURT: And how about you, Mr. Reust?

16 MR. REUST: I am, your Honor, and I apologize  
17 for not being here for this morning's hearing. I was tied  
18 up, but thank you for continuing this.

19 THE COURT: All right, no problem. Let me talk  
20 to you a little bit, Mr. Paauwe, about the burden is on the  
21 government to prove by either clear and convincing evidence  
22 that you're a danger to the community or by a preponderance  
23 of the evidence that you're a flight risk.

24 Is the government moving on both counts? I mean  
25 both standards?

1 MR. REUST: Only on danger to the community,  
2 your Honor.

3 THE COURT: All right, thank you. And because  
4 it's the government's burden, I always have the government  
5 go first. So Mr. Reust, you may proceed when you're ready.

6 (At 4:01 p.m., Government's Exhibits 1 - 4  
7 introduced.)

8 MR. REUST: Thank you, your Honor. At this  
9 time -- well, a preliminary matter, your Honor. I have  
10 tendered to your Honor, I believe they're sitting up there,  
11 the government's four exhibits. My understanding is that  
12 Mr. Borgula has no objection to those exhibits, so I'd move  
13 to admit them at this time.

14 THE COURT: Is that correct, Mr. Borgula?

15 MR. BORGULA: That's correct, your Honor. For  
16 the purposes of a detention hearing we have no objection.  
17 We reserve the right to object if there were a trial some  
18 day.

19 THE COURT: All right, thank you.

20 Mr. Reust, you may proceed when you're ready.

21 MR. REUST: Thank you.

22 THE COURT: So those are admitted, yes.

23 (At 4:02 p.m., Government Exhibits 1- 4 admitted  
24 into evidence.)

25 THE COURT: And it's all Exhibit 1, correct?

1 MR. REUST: No. There are four, your Honor.

2 THE COURT: Oh, I'm sorry.

3 MR. REUST: One is I believe five pages, two is  
4 one page, three is one page, and four is three pages.

5 MR. BORGULA: I don't have two pages.

6 MR. REUST: On one?

7 MR. BORGULA: Oh, that's -- that's -- this.

8 MR. REUST: One is this.

9 MR. BORGULA: Got it.

10 MR. REUST: So at this time, your Honor, the  
11 government would call Detective Joel Siemens.

12 THE COURT: All right. Mr. Siemens, you may  
13 come up to the witness box, but first be sworn in.

14 THE COURTROOM DEPUTY: Do you swear or affirm  
15 that the testimony you are about to give will be the truth,  
16 the whole truth, and nothing but the truth so help you God?

17 DETECTIVE SIEMENS: I do.

18 DETECTIVE JOEL SIEMENS,

19 sworn by the courtroom deputy at 4:03 p.m., took  
20 the stand and testified upon his oath as follows.

21 THE COURTROOM DEPUTY: Please take the stand,  
22 state and spell your name for the record.

23 THE WITNESS: My name is Joel Siemens, J-o-e-l,  
24 Siemens, S-i-e-m-e-n-s.

25 THE COURT: Good afternoon.

1 THE WITNESS: Good afternoon.

2 DIRECT EXAMINATION

3 BY MR. REUST:

4 Q Good afternoon, Detective Siemens. Where do you work and  
5 what do you do there?

6 A I work for the Kent County Sheriff's Department where I am  
7 a detective and assigned to the FBI on a task force, it's  
8 called the Web Text Task Force and I'm a task force officer  
9 for the -- for them. That's a mouthful. It's a task force  
10 that focuses on the combatting, investigating, and  
11 preventing violent crimes against children.

12 Q That was my next question. So have you been involved in  
13 such an investigation into who you ultimately identified as  
14 Mr. Paauwe?

15 A I was.

16 Q And how did your investigation begin that ultimately led  
17 you to Mr. Paauwe?

18 A One of my duties as a task force officer is to conduct  
19 on-line undercover investigations, and through one of those  
20 on-line undercover investigations I came in contact with  
21 Mr. Paauwe.

22 Q What -- what was your role in that on-line undercover  
23 investigation?

24 A I presented a persona on a social media application and was  
25 approached by Mr. Paauwe, and the two of us began to

1 converse. My persona was a 33 year old mother who had a 13  
2 year old child, female child.

3 Q And what was the platform that you initially conversed with  
4 Mr. Paauwe on?

5 A Whisper.

6 Q Is that some kind of on-line --

7 A Whisper is --

8 Q -- website?

9 A Correct. It's an on-line social media application. You  
10 can post a picture or a phrase, and then people can respond  
11 to it or reach out and initiate chats or conversations with  
12 you.

13 Q In front of you on the ledge there is an exhibit marked  
14 Government's Exhibit 1. Could you just describe what that  
15 is?

16 A This is a screenshot from the Whisper application that I  
17 had mentioned. It includes the original post, as well as  
18 some follow-up conversation that took place between  
19 Mr. Paauwe and myself.

20 Q And so there are two colors that are, it's kind of text in  
21 a white box and text in a purple box. Which of those is --  
22 are your statements and as the undercover persona?

23 A The dark purple box.

24 Q And so that means the white is who?

25 A Mr. Paauwe.

1 Q And just generally describe what kind of communications you  
2 were having with Mr. Paauwe as you pose as a 33 year old  
3 mother of a 13 year old.

4 A We had discussions that had a husband that had passed away.  
5 Later it's, and this was on October 31st, we discussed that  
6 I took -- my persona took her daughter trick or treating  
7 and then conversation became sexual in nature.

8 Q Are you on the third page of Government's Exhibit 1 at this  
9 point?

10 A Yes, I am.

11 Q And I spoke to Mr. Borgula beforehand and I agreed not to  
12 read this in the record or have you read this in the  
13 record, but are the most, I guess, graphic sexual requests  
14 at the bottom of this third page?

15 A Yes, it is.

16 MR. REUST: Okay. So the Court should read  
17 those to see kind of what the most graphic depicted  
18 statements are that Mr. Paauwe made.

19 THE COURT: Okay. Just give me a minute then.  
20 Thank you.

21 MR. REUST: Sorry, your Honor.

22 THE COURT: That's okay. (Pause.) Okay.

23 (At 4:07 p.m., off the record discussion between  
24 clerk and the Court.)

25 (At 4:07 p.m., off the record.)

1 (At 4:07 p.m., back on the record.)

2 THE COURT: Okay, I've read it.

3 MR. REUST: Thank you, your Honor.

4 BY MR. REUST:

5 Q So Government's Exhibit 1 is all communication that you had  
6 with Mr. Paauwe on the Whisper application?

7 A That's correct.

8 Q Could you -- did the conversations migrate to another  
9 on-line social media platform?

10 A They did.

11 Q What was that?

12 A We then moved to Kik, which is another social media or  
13 messaging digital application.

14 Q I believe you also have on the ledge before you  
15 Government's Exhibit Number 2?

16 A I do.

17 Q And on Kik, what color were your persona's communications?

18 A Green.

19 Q And then what color were Mr. Paauwe's communications?

20 A It was in a white box with black text.

21 Q And so the next to the last message that he sent on  
22 Government's Exhibit 2 is, and I'm quoting at this point,  
23 "I'm not here for fantasies either. I will prove I am real  
24 if you are, too." Is that correct?

25 A Correct. "If you will too," yup.

1 Q And so that's a statement he made to your undercover  
2 persona who was posing as the 33 year old mother of a 13  
3 year old?

4 A That's correct.

5 Q Thank you. What did you do in your investigation after you  
6 had these communications with Mr. Paauwe on Whisper and  
7 then on Kik?

8 A Mr. Paauwe's true identity was yet unidentified, so I had  
9 sent a subpoena to Kik, who is the parent company of this  
10 application, in order to obtain some additional information  
11 about the subscriber or what turned out to be Mr. Paauwe.  
12 As a result of me looking into his account, they had  
13 determined -- Kik has determined that there was a violation  
14 of terms of services and suspended the account.

15 Q Kik decided he violated the terms of services and suspended  
16 his account?

17 A That's correct.

18 Q So at this point -- at some point you determined who the  
19 identity was of the person you were communicating with?

20 A Yes.

21 Q And what did you do after you figured out who it was?

22 A Kik had supplied me with an IP address that had been used  
23 as the gateway to access Kik. I -- the IP address was  
24 controlled by Comcast Corporation. I submitted a subpoena  
25 to Comcast Corporation to obtain information on the

1 subscriber to that particular IP address and Comcast  
2 Corporation supplied the name Philip Paauwe on Wilfred  
3 Avenue in Grandville as the subscriber or the person who  
4 has purchased the use of that IP address.

5 Q What did you do after you obtained that information?

6 A At that point I started to look into Mr. Paauwe and sort of  
7 build my information or data set on who I am investigating.

8 Q What did you learn about Mr. Paauwe?

9 A That Mr. Paauwe was a real person. He had a driver's  
10 license. He's a Michigan citizen. I found out more about  
11 his employment, which I discovered he was a teacher for the  
12 Grand Rapids Public School District.

13 Q And did you determine which specific school and what kind  
14 of students he was teaching?

15 A I did. The Grand Rapids Public School District has a  
16 particular school, it's a middle school that is dedicated  
17 to special needs students or special education students,  
18 and Mr. Paauwe was identified as the sixth grade teacher  
19 for that -- the special education class.

20 Q Thank you. So after you identified who he was and where he  
21 worked, what did you do next?

22 A My partner, Detective Sergeant Jackie Stasiak and I made  
23 contact with Mr. Paauwe at his house on January 4th of this  
24 year.

25 Q And did he agree to speak with you and Detective Stasiak?

1 A He did. We knocked on the door and identified ourselves.  
2 We were invited in and we had a conversation at his kitchen  
3 table.  
4 Q Did he make any statements of interest to the Court for  
5 purposes of detention?  
6 A He did say that he was a schoolteacher. He did indicate  
7 sexual interest in, he had defined as teenager, and there  
8 was more specific in saying 14 to 16 year olds. And it was  
9 also disclosed by Mr. Paauwe that he had downloaded child  
10 pornography in the past, as well as generic pornography as  
11 well.  
12 Q Did he provide any electronic devices that day?  
13 A He did. Mr. Paauwe consented to the search of his cell  
14 phone. It was an Apple iPhone 7. He expressed his consent  
15 verbally. We talked with him, and then he was also  
16 supplied with a form where he could write out his consent  
17 as well.  
18 Q Did he give you a code to get in the phone?  
19 A Yes, he did.  
20 Q Okay. Anything else that he said of interest on January  
21 4th?  
22 A Not that I can recall.  
23 Q What did you do after the interview with Mr. Paauwe?  
24 A The phone was brought to a forensic examiner. It's a  
25 detective that works at a computer crimes lab, and the

1 phone was turned over to this detective. He, this was on a  
2 Friday, downloaded or extracted the search over the weekend  
3 and generated a report by Monday of that next week, which  
4 was the 7th, I believe. We started to examine some of the  
5 results in that report.

6 Q Did you find anything of interest regarding child  
7 pornography?

8 A We did. We did find images, both the forensic detective,  
9 as well as myself, found images of child pornography on the  
10 phone.

11 Q What did you do after that?

12 A At that point we reinterviewed Mr. Paauwe on January 8th,  
13 as well as executed a search warrant of his residence.

14 Q What statements, if any, did he make on January 8th that  
15 would be of interest to the Court for purposes of  
16 detention?

17 A Mr. Paauwe again expressed that he had a sexual interest in  
18 young teenagers. He had expressed that or indicated that  
19 he would have images on that phone that were not going to  
20 be legal, that it included a -- he provided a description  
21 of a particular image that he remembered that he thought  
22 might be on that phone that was one of the images that we  
23 had identified as child pornography. He also had indicated  
24 a long-term on-line relationship with a minor out of  
25 Florida.

1 Q Are the minor's initials G.L.?

2 A Yes, they are.

3 Q Did he have images and/or communications pertaining to G.L.

4 saved in some specific way on the phone?

5 A Yes, he did.

6 Q What -- what was that, without saying her name? Let me say

7 it this way. Did he have a folder with G.L.'s first name

8 inside of the hidden calculator app on his phone?

9 A Yes, he did.

10 Q And did you eventually review that folder?

11 A I did.

12 Q Were there -- what kind of photographs or what kind of

13 information was in that folder?

14 A There were many, many photographs and videos on the folder.

15 Most of them were sexual to some extent. They included

16 victim G.L. in various states of undress and including

17 images of G.L. engaging in sexual activity with objects and

18 with herself. Also depicted a number of different images

19 of her pubic area that were called by -- as child

20 pornography.

21 Q If, based on your review of that folder -- well, I'm going

22 to -- did he also ultimately provide the access information

23 for his Dropbox account?

24 A Yes, he did.

25 Q Did that Dropbox account also contain images of G.L.?

1 A It contained many images of G.L.

2 Q Between the Dropbox account and the folder with G.L.'s name  
3 on Mr. Paauwe's calculator app, approximately how many  
4 images of G.L.'s exposed pubic area would you estimate  
5 there were?

6 A Say approximately a hundred. At least a hundred.

7 Q Did Mr. Paauwe, when you interviewed him on January 8, did  
8 he say anything about the kind of -- the kind of students  
9 he was supervising?

10 A He did. He did explain his position, he was a teacher, and  
11 that he did teach special education kids.

12 Q Did he describe what he meant by special education? What  
13 was the disability or reason they were labeled special  
14 education?

15 A He explained to us the difference between cognitive  
16 impairment and emotional impairment, or at least identified  
17 that there was a difference and that his classroom was for  
18 emotionally impaired students.

19 Q What's an example of a kind of emotional impairment that  
20 his students have?

21 A From my understanding of the conversation it was a student  
22 that had emotional difficulties either with their  
23 interaction or with learning enough so that it may probably  
24 disrupt a class, a normal classroom.

25 Q Did he indicate he had any --

1 THE COURT: Excuse my, just a minute. I need to  
2 just disclose something here. I was a teacher of special  
3 education emotionally impaired kids for five and a half  
4 years before I went to law school. I don't think that will  
5 have any bearing on my decisions here, but I just wanted to  
6 let you know that, in the interest of full -- full  
7 disclosure.

8 MR. REUST: Thank you, your Honor. Obviously,  
9 the government has no objection, if Mr. Borgula has no --

10 MR. BORGULA: I don't believe there's any  
11 evidence whatsoever that he ever touched a child, so I  
12 don't know how it's relevant.

13 THE COURT: All right.

14 MR. BORGULA: But if you want to talk about his  
15 job, that's fine.

16 THE COURT: Okay, I just -- I just wanted to --

17 MR. BORGULA: Yeah, no --

18 THE COURT: -- disclose that.

19 MR. BORGULA: -- I appreciate it, yes.

20 BY MR. REUST:

21 Q Did he indicate that some of the emotional impairments w

22 related

21 Q Did he indicate that some of the emotional impairments were  
22 related to sexual abuse --

23 A Yes.

24 Q -- of these children?

25 A Yes, he did.

1 Q Thank you. Did Mr. Paauwe say anything regarding his  
2 seeking any kind of psychological or emotional treatment  
3 personally?

4 A He did have a conversation about some interactions that he  
5 had had with his therapist and some other frustrations that  
6 he had had when he was in these sessions with the  
7 therapist.

8 Q Did he indicate when he had -- approximately when he had  
9 seen a therapist?

10 A I don't recall him putting a specific date, but the context  
11 and the conversation made me feel it was within the last  
12 five years.

13 Q And did he indicate what he had seen the therapist for?

14 A I don't recall.

15 Q Was it related to a pornography addiction?

16 A I know that the topic of the therapist came up when we were  
17 discussing, he had brought up an addiction to masturbation  
18 and pornography.

19 Q Okay. But he didn't say exactly why he had gone to the  
20 therapist?

21 A Not that I remember.

22 Q Okay, thank you. Did -- I'm going to fast forward now.  
23 Has G.L. been interviewed at this point?

24 A Yes, she has.

25 Q And was -- is she in Florida?

1 A Yes, she is.

2 Q And what statements did she make that would indicate

3 Mr. Paauwe is a danger to the community?

4 A G.L. stated that she had first come in contact with

5 Mr. Paauwe when she was 15 years old, and the conversation

6 was quickly directed in a sexual direction. She had made

7 mention that a lot of what she -- a lot of things were

8 normalized that she -- she previously didn't think were

9 normal, including sexual contact -- including certain

10 requests from Mr. Paauwe, for example, sexual contact with

11 animals or having animals, and her dog specifically, have

12 sexual contact with her and have it recorded and sent.

13 Q Did she state that Mr. Paauwe had directed her to do this?

14 A Yes, she did.

15 Q And have you seen a video of that -- that sexual contact

16 between G.L. and an animal?

17 A Yes, I have.

18 Q Did she state that Mr. Paauwe, I don't know what the word

19 is, but responded by also engaging in similar sexual

20 contact with an animal and sending that photograph or video

21 to G.L.?

22 A Yes, she did.

23 Q What other kind of conduct did G.L. describe?

24 A G.L. described that Mr. Paauwe had a particular attraction

25 to cutting and had requested her to video tape her cutting.

1                   She stated that that was something that she'd struggled  
2                   with in the past. Mr. Paauwe knew about it and he used  
3                   that information to obtain videos and images of her  
4                   bleeding and cutting.

5                   Q        I'm going to direct your attention now to Government's  
6                   Exhibit Number 4. I'm going to hop out of order a little  
7                   bit. But if you could look at that, can you just describe  
8                   for the record what Government's Exhibit 4 depicts?

9                   A        Exhibit number 4, the first page of it depicts two body  
10                  parts that have blood on it. On these particular images,  
11                  one of it's a hand and fingers. The other --

12                  Q        Who do you believe these images to be of?

13                  A        Of G.L.

14                  Q        Why is that?

15                  A        Because they were located in the folder with -- that had  
16                  her name on it. The image appears to be a screenshot of  
17                  Snapchat, which is the medium in which they communicated.  
18                  Snapchat's another social messaging application, and it's  
19                  pretty distinctive with this black ribbon with text  
20                  overlay, as well as a couple other indicators on here.  
21                  That was one of the main ways that they'd communicated, so  
22                  she also occasionally wore bracelets. I can't specifically  
23                  say that the bracelet indicated on here around her ankle  
24                  was hers, but that was common to see her in items such as  
25                  that.

1 Q And then did she indicate that Mr. Paauwe would send her  
2 images of himself cutting himself?

3 A Yes.

4 Q And is that what the second and third pages of Government's  
5 Exhibit 4 depict?

6 A Of additional images, yes, on page two and page three. On  
7 page two there's two images of him holding the knife  
8 against his tongue, also holding the knife against what  
9 looks like to his leg with a cut on it. These images were  
10 taken from Mr. Paauwe's phone. I'm unable to say whether  
11 they were sent or not, but victim G.L. stated that they did  
12 exchange images with -- that contained cutting. And then  
13 on page three, this is a screenshot off of a video from  
14 Mr. Paauwe where he's bleeding from the face. It's, to  
15 play the video out, it's a slow motion video of blood  
16 running out of his nose and dripping onto the ground.

17 Q Did G.L. describe any interest Mr. Paauwe may have had in  
18 his students at school?

19 A She did. She disclosed that Mr. Paauwe had explained that  
20 he was attracted to a female student of his and had  
21 specifically mentioned -- do you want me to go into --

22 Q Yes. We have to describe it for the record.

23 A Okay. He had mentioned to her that he was thinking about  
24 masturbating on her desk and was concerned that G.L. might  
25 be jealous about this or the --

1 Q Let me break this down. I think it may be easier.

2 Mr. Paauwe indicated to G.L. that he had a sexual interest  
3 in one of his students and wished to masturbate and  
4 ejaculate on to that student's desk?

5 A That's correct.

6 Q Have you recovered a video in Mr. Paauwe's iPhone  
7 extraction that depicts that?

8 A Yes.

9 Q Where was that saved? Do you recall, I guess, was it in  
10 the G.L. folder?

11 A I believe so.

12 Q Did he indicate any other sexual or did G.L. describe any  
13 other sexual contact that Mr. Paauwe had had with young  
14 children?

15 A She did not specify any sexual contact that took place,  
16 however, she brought up another video that she had  
17 received. This was probably from a prior job that he had  
18 had in an elementary school. G.L. recalled a time where  
19 she received a video from Mr. Paauwe that depicted a first  
20 or second grader putting her hands down her pants and then  
21 placing her hand in her mouth, and that was a video -- that  
22 was video taped by Mr. Paauwe and then sent to victim G.L.

23 Q Did Mr. Paauwe make any statements about other children  
24 that were not at school to G.L. that G.L. reported?

25 Specifically babysitting is what I'm talking about now?

1 A G.L. did recall a conversation that took place with  
2 Mr. Paauwe where Mr. Paauwe was babysitting, however this  
3 is a wife's friend's daughter. It was a two year old child  
4 and it was G.L.'s impression that he was going to be there  
5 alone, but instead he was accompanied by his wife, and  
6 therefore, couldn't make any type of sexual contact because  
7 his wife was currently there babysitting with him.

8 Q Did he indicate to G.L. that he wished he could?

9 A Yes, he did.

10 Q Thank you. And finally, did G.L. describe any incidents in  
11 which Mr. Paauwe either planned to or had discussed  
12 visiting her?

13 A Yes. She brought up two different occasions where they  
14 discussed, Mr. Paauwe discussed coming down to Florida, to  
15 her town in Florida and visiting her. One was last summer,  
16 summer of 2018, and again in another visit was being  
17 discussed for spring break of 2019.

18 Q What was -- well, first of all, the visit that was planned  
19 in 2018, did that occur?

20 A That did not, to the best of my knowledge.

21 Q Did G.L. indicate why, give some reason as to why it didn't  
22 happen?

23 A It -- I think it surrounded a time where Mr. Paauwe had  
24 gone through the passing of a friend, passing away of a  
25 friend. He wanted to go down there. It didn't sound like

1                   that ended up working out, but I'm not sure what the  
2                   reasoning was behind it not happening.

3                   Q    And so then what were the plans that he would visit her  
4                   after your interview, at some point after the interview  
5                   that you had with Mr. Paauwe?

6                   A    Say that again.

7                   Q    So she -- she mentioned he had planned to come sometime in  
8                   2018, and that didn't occur?

9                   A    Got it.

10                  Q    There was a future event. What was -- what were the plans  
11                  around that?

12                  A    There was a -- let me go back just one moment to the 2018.  
13                  During that conversation G.L. had -- they had discussed to  
14                  the point of prices for airline tickets, so it sounded like  
15                  that was going to be, if that was going to happen, that, I  
16                  mean both flights. The one during spring break, that also  
17                  was discussed. G.L. had stated that the plan for both of  
18                  the trips would be that sexual contact would take place,  
19                  would probably take place in a hotel, and she would tell  
20                  her family and her parents that she was going to a friend's  
21                  house.

22                  Q    Was there sexual contact that Mr. Paauwe had discussed with  
23                  G.L. aside from just the two of them?

24                  A    Yes. Mr. Paauwe had -- G.L. had described communications  
25                  with Mr. Paauwe that included Mr. Paauwe wanting to

1 introduce a child into their relationship, a young child,  
2 and have victim G.L. engage in sexual contact with this  
3 child in his presence.

4 Q Did you locate -- well, let's just turn to Government's  
5 Exhibit 3. I think it's the last one you have there. Can  
6 you describe what Government's Exhibit 3 depicts?

7 A Exhibit 3 depicts a screenshot of what's probably Google  
8 Maps. It is a map that indicates the directions between  
9 your location, which appears to be Grand Rapids, Michigan,  
10 and the destination, which is redacted in here, but it's  
11 the same hometown and the same street as victim, G.L.,  
12 lives on.

13 Q Where was this image recovered from that's depicted in  
14 Government's Exhibit 3?

15 A This was under the folder named after G.L.'s first name on  
16 Mr. Paauwe's iPhone.

17 Q And the planned visit in the future with G.L. was for  
18 actually spring break of 2019, correct?

19 A That's correct.

20 MR. REUST: Thank you very much, Detective  
21 Siemens. Those are all the questions I have for you at  
22 this time.

23 THE COURT: All right, thank you, Mr. Reust.  
24 You may proceed with cross when you're ready, Mr. Borgula.

25 MR. BORGULA: Thank you, your Honor.

1

CROSS-EXAMINATION

2

BY MR. BORGULA:

3

Q Good afternoon, Detective Siemens.

4

A Good afternoon.

5

Q Okay. Let's talk first about the communications between  
yourself acting as a 32 year old woman who had the 13 year  
old daughter and a Mr. Paauwe. You've indicated that you  
know that it's Mr. Paauwe because he later told you that it  
was him that was communicating with you, right?

10

A That's correct.

11

Q All right, and you -- you showed the Court a particularly  
offensive text that she read for a moment, and you  
indicated, or maybe the prosecutor indicated that's the  
most graphic one, and that's found in Exhibit 1?

15

A That's correct.

16

Q Okay. So in your opinion, that's the most graphic one when  
it comes to the undercover work you were doing?

17

A Correct.

19

Q Okay. And you also indicated that Mr. Paauwe says in a  
text that he's not here for fantasies. He'll prove that he  
is real if you will, too. You as the 33 year old woman,  
correct?

23

A Yes.

24

Q Okay. How did you find the IP address that was associated  
with the communications from Mr. Paauwe?

1 A The Whisper was subpoenaed for information regarding the  
2 subscriber, and they were able to obtain the IP address.

3 Q Okay --

4 A Let me -- actually, let me back up. It was Kik that was  
5 subpoenaed for the IP address of the person involved from  
6 the chats.

7 Q You sent a subpoena to Kik?

8 A Yes.

9 Q Was that an administrative subpoena or a grand jury  
10 subpoena?

11 A Administrative subpoena.

12 Q Did you get a search warrant at all at any point?

13 A Not for that IP address.

14 Q Okay. And after you sent the subpoena did Kik shut down?

15 A Yes, it was.

16 Q The account? Did they shut it down in response to your  
17 subpoena?

18 A Yes, they did.

19 Q And did you tell them that they shouldn't do that?

20 A I -- they didn't allow for the option.

21 Q Okay. Did you later send a subpoena to Whisper?

22 A I did not.

23 Q Okay. Okay, and you showed the Court some pictures of what  
24 appears to be a, it's an exhibit. I don't have the exhibit  
25 numbers on mine.

1 THE COURT: It's Exhibit 4.

2 BY MR. BORGULA:

3 Q Four. It's a bloody ankle and what appears to be blood on  
4 hands. Did you discuss these pictures, oh, I'm sorry,  
5 discuss these pictures with G.L?

6 A No, I did not.

7 Q Okay, so you have no idea how that cut got on there?

8 A That's correct.

9 Q All right. That could be, for example, from shaving?

10 A That could be.

11 Q And the commentary that's on the pictures, you have no idea  
12 who put that commentary on there?

13 A That's correct.

14 Q All right. And did you get these off Mr. Paauwe's phone  
15 or --

16 A Yes.

17 Q Okay. And the blood that's on the hand with the  
18 commentary, and excuse my language in advance your Honor,  
19 "Not to be fucking gross, but I think I'm dying." You  
20 never asked G.L. about how the blood got to be on her hand?

21 A That's correct.

22 Q All right. It could be just from grabbing her ankle after  
23 she cut herself shaving?

24 A I couldn't tell you one way or the other.

25 Q Okay. And then there's a picture of Mr. Paauwe, he's got

1 some blood coming down his face and you said there was a  
2 video?

3 A Yes.

4 Q And that video shows blood coming out of his nose?

5 A Correct.

6 Q So it's fair to assume he had a bloody nose?

7 A Yes.

8 Q And he sent a picture to G.L. --

9 A I can't confirm.

10 Q -- or a video?

11 A -- what he did with this video.

12 Q Oh, so you really didn't know whether that was sent to  
13 G.L.?

14 A I don't know if this particular video was sent to G.L.

15 Q Okay. And there's some other pictures, one that has a  
16 blade in what appears to be Mr. Paauwe's mouth?

17 A Yes.

18 Q And one that shows a slight cut or scratch on a leg with a  
19 knife?

20 A Correct.

21 Q And that -- do you know whether or not that's Mr. Paauwe?

22 A Either picture?

23 Q Yes.

24 A It appears to be Mr. Paauwe in the --

25 Q That's just based on your, you can see him and you can see

1 the picture?

2 A Right.

3 Q Okay, but you have no more information than the Court on  
4 whether or not that's Mr. Paauwe?

5 A That's true.

6 Q And you have no idea when that picture was taken?

7 A Correct.

8 Q Do you even know when it was sent?

9 A That's correct.

10 Q Do you even know if it was sent?

11 A No.

12 Q So this -- does this have any relevance at all to the  
13 detention?

14 MR. REUST: Objection, your Honor. That's a  
15 legal question.

16 THE COURT: That is a legal question.

17 BY MR. BORGULA:

18 Q Does it have any relevance --

19 THE COURT: Either reframe it or --

20 BY MR. BORGULA:

21 Q -- at all -- does it have any relevance at all to your  
22 investigation?

23 A It, because they were exchanging images that involved  
24 cutting and blood and this is an image of him cutting and  
25 involves blood, it appeared to me that it has relevance to

1 my investigation.

2 Q Okay. Now with regard to the mom that doesn't exist, and  
3 that's how I'm going to refer to her because there's -- she  
4 has no name, or she might have had a name but I don't know  
5 what it is. What was the fake mom's name?

6 A I don't even know if she had --

7 Q If you don't want to give it to us because you use it,  
8 that's fine. We'll just -- can we just call it a mom that  
9 doesn't exist?

10 A Sure.

11 Q And the 13 year old that doesn't exist, Mr. Paauwe never  
12 tried to set up a meeting place to meet with the mom?

13 A We didn't have a specific place planned out.

14 Q Never asked to meet you?

15 A There was an ask -- yes, there was an intention. Let me  
16 see if it's on this. I believe there was an indication or  
17 a request on his part to meet with the persona, the mother  
18 persona.

19 Q Is that found in the exhibit?

20 A Not in the exhibit. I think it's in the full text of the  
21 conversation.

22 Q Okay, but nothing before the Court suggests that there was  
23 a meeting place set?

24 A There was not a specific meeting place set, but there was a  
25 request by Mr. Paauwe to meet.

1 Q Okay, and how did you respond to that request?

2 A I think that was at the tail end of this conversation when

3 his account was suspended.

4 Q With -- obviously you never met with him?

5 A Correct.

6 Q Or the mom that doesn't exist didn't meet with him. Did

7 Mr. Paauwe ever speak to the 13 year old?

8 A No.

9 Q Through -- okay. He asked for a picture of the mom, right?

10 A I believe so, yes.

11 Q And that's on the exhibit. Did he ever ask for a picture

12 of the 13 year old?

13 A No.

14 Q Okay. So most of the communication -- all the

15 communication was with the mom that didn't exist?

16 A That's correct.

17 Q And all the requests for pictures were directed towards the

18 33 year old that didn't exist?

19 A The persona, yeah.

20 Q All right, now the young woman down in Florida, how old is

21 she, G.L.?

22 A She's currently 17.

23 Q Okay. And she's a real person?

24 A Yes.

25 Q Okay. And Mr. Paauwe never met with her?

1 A That's correct.

2 Q And he had communicated --

3 A As far as I know. And she has not indicated to -- that  
4 they ever met.

5 Q You have no evidence that he met with her?

6 A Correct.

7 Q Okay, and you've spoken with G.L.?

8 A I have not had direct contact with her. An agent for the  
9 FBI has been sort of a liaison down there, and she has  
10 spoken with another employee of the FBI who is specially  
11 trained to interview kids about investigations.

12 Q Okay. And she's 17 now?

13 A Correct.

14 Q And she turns 18 in October?

15 A Correct.

16 Q Okay. Any evidence whatsoever that Mr. Paauwe ever touched  
17 her?

18 A No.

19 Q Any evidence that he's ever been in the same state as her?

20 A I don't have any evidence that he was.

21 Q You showed us a map, I think you indicated that they were  
22 talking about prices for airline tickets?

23 A Correct.

24 Q Was any airline ticket ever purchased?

25 A Not to my knowledge.

1 Q You talked a lot about photos that were taken of G.L. Who  
2 took those photos?

3 A Presumably G.L.

4 Q Okay, Mr. Paauwe never took a photo of G.L.?

5 A Correct.

6 Q Okay. He received photos?

7 A That's correct. He requested photos.

8 Q And did you look through all the photos?

9 A Yes.

10 Q All right. Can you put a timeframe on when the photos,  
11 from when they first started to when they ended?

12 A The first photos that I was able to view and view the dates  
13 associated with it was the beginning of March of 2018, and  
14 for the last ones were into December of 2018.

15 Q So all last year?

16 A Correct.

17 Q Okay. And so she would have been 16 and then 17 during the  
18 course of this photo chain?

19 A Could -- photos that I reviewed.

20 Q All right. And all of the photos were selfies?

21 A For the most part. There was a couple of photos taken by a  
22 third party.

23 Q There was? Who is the third parties?

24 A I'm not sure.

25 Q Okay, so there was someone down in Florida that took her

1 picture?

2 A Yes.

3 Q Okay, and she consented to that?

4 A Not any of the photos that constituted CP, but there were  
5 certain pictures that she probably had -- she had in her  
6 possession somehow of her that she had sent up.

7 Q So they are clothed photos, not for a sexual purpose?

8 A I don't know what purpose they were, but they were -- they  
9 were clothed.

10 Q Okay. All right, so let's talk about this school. Do you  
11 have any evidence whatsoever that Mr. Paauwe has ever  
12 touched H.R.?

13 A No.

14 Q All right, I assume you talked to Grand Rapids Schools?

15 A Yes.

16 Q Did they indicate that he'd ever been admonished or talked  
17 to about speaking inappropriately to a child?

18 A They did not indicate that.

19 Q Did they have any allegations of misconduct that they  
20 shared with you when you spoke with them?

21 A None that they shared.

22 Q Okay, and you've said you found some pictures, right?

23 A Yes.

24 Q But you have no -- and in those pictures there's none where  
25 Mr. Paauwe is doing anything to a child or anything like

1 that?

2 A Correct.

3 Q All right, so let's talk about so in November you're doing  
4 the undercover work, right?

5 A Correct.

6 Q And that's November of 2018?

7 A Yes.

8 Q And at that time you learn that there's at that point  
9 someone that's communicating with you who -- as you act as  
10 a 33 year old woman?

11 A Correct.

12 Q Okay. And does that end around November of 2018?

13 A Yes, it does.

14 O Okay. And then you obtained subpoena information?

15 A Correct.

16 Q And at some point you went to talk to Mr. Paauwe because  
17 you learned that it was his IP address that was connected  
18 to that account?

19 A That's true.

20 Q Okay. And you went to his home?

21 A Yes.

22 O And he was there?

23 A Yes.

24 Q He let you in?

25 A Yes.

1 Q Okay, and you -- you said you wanted to talk to him?

2 A Correct.

3 Q And he agreed?

4 A Yes.

5 Q Now he acknowledge that had he -- the misconduct in

6 relation to these conversations with the 33 year old woman?

7 A Yes.

8 Q Okay. He acknowledged that he had an addiction to

9 pornography?

10 A Yes.

11 Q He told you that he had looked at and possessed child

12 pornography?

13 A Correct.

14 Q He told you that he had an interest in I think what you

15 said was mid-teenage girls?

16 A I think that was one of his phrases.

17 Q Okay. And he told this, all of this to you voluntarily?

18 A Correct.

19 Q Okay, you didn't have to twist his arm or anything?

20 A No.

21 Q Okay. He consented to a search of his phone?

22 A Yes.

23 Q All right, and you took his phone?

24 A Yes.

25 Q And then at the end of that conversation, well, he told you

1                   that you might find some stuff on his phone because he used  
2                   his phone to look at pornography?

3                   A        Yes.

4                   Q        Okay, and that's one of the reasons you searched it, right?

5                   A        Correct.

6                   Q        At the end of that conversation he said he was going on a  
7                   trip?

8                   A        Yes.

9                   Q        And he was leaving the state?

10                  A        Yes.

11                  Q        And he was going to go to Colorado?

12                  A        Correct.

13                  Q        Okay, and you let him go?

14                  A        Yes.

15                  Q        Okay, you didn't arrest him?

16                  A        That's correct.

17                  Q        Didn't go get a complaint?

18                  A        Nope.

19                  Q        Didn't go see the prosecutor?

20                  A        No.

21                  Q        Okay. All right, so then you look at the phone and, you  
22                  know, found some offensive material, right?

23                  A        Correct.

24                  Q        And then you talked to him again after he came back from  
25                  his trip?

1 A Yes.

2 Q And that was January 8th?

3 A Yes.

4 Q And did you call him up and say come on down to the FBI's

5 office?

6 A Yup.

7 Q Okay, and he came?

8 A Yes, sir.

9 Q You didn't have to go get him?

10 A Correct.

11 Q Didn't even have to go out to his house?

12 A Correct.

13 Q He was nice enough to come see you guys?

14 A Yes.

15 Q And you're on a task force so you met at the FBI building

16 on Ionia, right?

17 A Correct.

18 Q Okay. And he came through security?

19 A Yes.

20 Q Sat down with you? He agreed to speak with you again?

21 A Yes.

22 Q Okay. He again admitted that he had possessed child

23 pornography?

24 A Yes.

25 Q And then he also told you that he had been having this

1 conversation with G.L.?

2 A Correct.

3 Q And it had been going over a course of, I think he said  
4 over a year?

5 A Yes.

6 Q He gave you user names and passwords to his devices?

7 A Correct.

8 Q And he acknowledged that he had been sending pictures back  
9 and forth with G.L. as well, correct?

10 A Correct.

11 Q All right. And at the end of that conversation you did  
12 arrest him?

13 A Correct.

14 Q On state charges?

15 A Yes.

16 Q Okay, and he was brought over to the Kent County Jail?

17 A Correct.

18 Q And he appeared before a magistrate?

19 A Yes.

20 Q And the magistrate considered whether or not to place him  
21 on a bond?

22 A Yes.

23 Q And he was placed on a \$5,000 bond?

24 A Yes.

25 Q Okay, and then he also could not see computers, contact the

1 victim or anyone else under the age of 18, and he couldn't  
2 have any cell phones, correct?

3 A Correct.

4 Q All right, now since that time of January 8th he's been on  
5 bond?

6 A Yes.

7 Q Do you have any information that he's violated his bond in  
8 any way?

9 A I do not.

10 Q He 's been living at home?

11 A I don't know.

12 Q Okay. Have you been surveilling him at all?

13 A I have not.

14 Q Okay. Do you have any reason to doubt that he's been  
15 living at home?

16 A I don't know one way or the other.

17 Q Do you know whether or not he's been put on leave from the  
18 public school?

19 A Yes.

20 O Okay, so he's not working?

21 A Correct.

22 Q He's not anywhere near children?

23 A I couldn't tell you that.

24 Q Well, as part of his bond he's not anywhere near children,  
25 right?

1 A Yes.

2 Q And he can't -- and he hasn't violated his bond, to your  
3 knowledge?

4 A Not to my knowledge.

5 Q Okay. Do you happen to know anything about his military  
6 background?

7 A I know that he has military background.

8 Q Okay. Do you know how many tours he served in the Middle  
9 East?

10 A I do not.

11 MR. BORGULA: Nothing further, your Honor.

12 THE COURT: All right, any redirect, Mr. Reust?

13 MR. REUST: Very, very briefly, your Honor.

14 REDIRECT EXAMINATION

15 BY MR. REUST:

16 Q Agent Siemens, what was Mr. Paauwe charged with in Kent  
17 County?

18 A Possession of child pornography.

19 Q So that's all the Court was considering in setting his bond  
20 there?

21 A Correct. There was another charge for using a computer,  
22 but it's --

23 Q Okay.

24 A -- it was hand in hand with that possession.

25 Q It was all related to possession of child pornography, not

1 production of child pornography or his relationship with  
2 G.L.?

3 A That's correct.

4 Q When did the interviews of G.L. actually occur?

5 A Late January. I believe in the -- maybe the 29th. It was  
6 late January and another one in late February.

7 Q So the information we discussed about what G.L. disclosed,  
8 that information wasn't known at the time that his bond was  
9 set in the county?

10 A That's correct.

11 MR. REUST: Thank you, Agent Siemens.

12 THE COURT: Any recross?

13 MR. BORGULA: I'd like to follow up.

14 THE COURT: Okay.

15 RECROSS-EXAMINATION

16 BY MR. BORGULA:

17 Q He told you that he'd been having a conversation with G.L.  
18 in your January interview, right?

19 A Correct.

20 Q And he told you that they have been transferring pictures  
21 back and forth?

22 A Yes.

23 Q And he told you that you'd probably find that on his phone?

24 A I believe so, yes.

25 Q Okay, so you did have information about the relationship

1 with G.L. at the time his bond was set?

2 A We knew the existence of the relationship, but not any of  
3 the details.

4 Q Well, you knew about the pictures going back and forth?

5 A Correct.

6 Q And you knew she was a minor under the law, right?

7 A Correct.

8 Q Okay, and when we appeared the first appearance in court,  
9 the prosecutor knew about it because you told him, right?

10 A Probably.

11 Q Okay. So when the bond was set, everybody, including the  
12 prosecutor, knew about the information related to G.L.,  
13 maybe not all of the details, but he certainly knew the  
14 existence and the fact that pictures had been sent back and  
15 forth?

16 A The identification, the positive identification of G.L. I  
17 would have to jog my memory more than I can at this moment.  
18 That probably took place after his arraignment, after  
19 that -- that bond would have been posted. The existence of  
20 her -- I mean we were aware of her existence, but we did  
21 not -- we could not positively I.D. who she was or if she  
22 had a driver's license or maybe she was 12 or maybe she was  
23 20. We didn't have any of those specific details.

24 Q Other than he told you that she was 17?

25 A Correct.

1 Q So at the time of the preliminary exam, certainly the  
2 prosecution knew this issue was out there, right? That  
3 comes about a week after the arraignment?

4 A I would think so, yes.

5 Q Okay, and that is in mid January?

6 A That sounds about right.

7 MR. BORGULA: Okay. Thank you, your Honor.

8 THE COURT: All right. Anything further,

9 Mr. Reust?

10 MR. REUST: Nothing further.

11 THE COURT: You may step down, thank you, sir.

12 THE WITNESS: Thank you, your Honor.

13 (At 4:47 p.m., witness excused.)

14 MR. REUST: No further evidence from the  
15 government, your Honor.

16 THE COURT: All right, thank you. Mr. Borgula,  
17 do you have any proffer or evidence you wish to be put on?

18 MR. BORGULA: I don't have any witnesses, your  
19 Honor. I do have some proffer. I can work it into my  
20 argument, if you would prefer to -- I just --

21 THE COURT: That would --

22 MR. BORGULA: I'm just going to --

23 THE COURT: That would be fine, okay?

24 MR. BORGULA: And then if the government wants  
25 to go first, then I'll respond and --

1 THE COURT: Well, I usually ask them to go  
2 first, so --

3 MR. BORGULA: Me, or --

4 THE COURT: No. The -- the government.

5 MR. BORGULA: That's what I figured, yeah.

6 THE COURT: Yeah. Go ahead, Mr. Reust.

7 MR. REUST: Thank you, your Honor. I'll be  
8 brief.

16 The concern with Mr. Paauwe is his danger to the  
17 community. This is somebody that had the trust of the  
18 school, that had the trust of his spouse, and he engaged in  
19 activities and actions towards children under all of their  
20 noses. These are people that presumably paid attention to  
21 Mr. Paauwe and were much closer to Mr. Paauwe than the  
22 Court is going to be able to be in supervising him, and he  
23 was doing all of these things under their noses.

1 did not disclose that he had sought counseling, it sounded  
2 like from Agent Siemens' testimony, that it was potentially  
3 related to the pornography addiction prior to his charges  
4 in the county, but as Agent Siemens testified, he did  
5 disclose seeking counseling or a psychiatrist at some point  
6 in approximately the last five years, I believe was Agent  
7 Siemens' testimony, and it does not appear that that  
8 information was disclosed to Pretrial Services. I realize  
9 they were rushed in creating this report, but it appears to  
10 be additional deception, an additional concern regarding  
11 his danger to the community.

12                   Additionally, your Honor, I understand that the  
13 defense position is going to be he hasn't been hands-on  
14 with a kid. He does not need to be hands-on with a kid to  
15 be a danger to this community. In fact he's probably more  
16 dangerous when he's not able to touch the children.

17                   In looking at his communications to G.L., he  
18 solicited approximately a hundred images of child  
19 pornography from a child that was multiple states away,  
20 including having her cut herself, or at least on her  
21 statements and then photographs that seemed to support that  
22 she was cutting herself, and had thoughts at least of  
23 traveling to her, as Government's Exhibit 3 depicts.

24                   Additionally, your Honor, he took actions at his  
25 school to put children there at risk. He may not have been

1 hands-on with the children, but he masturbated and  
2 ejaculated on one of his student's desks. That creates a  
3 risk and a danger whether he actually sexually touches that  
4 child or not.

5 And finally, your Honor, G.L. disclosed a video  
6 or a photograph that Mr. Paauwe had sent her soliciting a  
7 first or second grader to stick their hands down their  
8 pants and then in their mouth. He does not need to touch  
9 these children to abuse them. He doesn't need to touch  
10 them to be a danger to the community, and people that have  
11 been very close to Mr. Paauwe had no idea this was going on  
12 right under their nose. Thank you, your Honor.

13 THE COURT: Thank you. Mr. Borgula, let me hear  
14 from you.

15 MR. BORGULA: Thank you, your Honor.

16 To address the mental health issue, the first  
17 sentence of page three of Officer Osborn's report indicates  
18 that he disclosed he had been in counseling, so I don't  
19 know that that's a -- the counseling was for depression,  
20 and certainly part of that depression he discussed is porn  
21 addiction. So he has been trying to make attempts to  
22 address the issues that he's dealing with. Your Honor, it  
23 is the government's burden to show by clear and convincing  
24 evidence that Mr. Paauwe is a danger to the community, in  
25 other words there are no conditions that would reasonably

1                   assure the safety of any persons or of the community, and  
2                   they're a presumption, but that presumption is easily  
3                   rebutted. And in this case there are several factors I  
4                   know the Courts are going to consider, and we support the  
5                   recommendational probation which is release, and I think  
6                   it's appropriate here.

7                   To address the nature and circumstances of the  
8                   offense, we're not going to contend that this isn't  
9                   disgusting allegations, poor behavior. It's awful. All  
10                   right, the words that are used, the videos, it's awful.  
11                   But not to make light of it or -- but the G.L. in this case  
12                   is on the old side of minor. She is 17. Mr. Paauwe, if  
13                   she -- if they had been in the same room and they had had  
14                   sex, that is not a crime in the State of Michigan or under  
15                   federal law. He can have sex with her, he just can't have  
16                   a video of her. So that -- I mean I -- obviously, we're  
17                   not condoning the behavior of sending dirty pictures back  
18                   and forth, but she is 17. And the reason the State of  
19                   Michigan thinks that 17 is not statutory rape is because  
20                   they believe that they can -- they know when they can  
21                   consent, and the age is 16 in Michigan.

22                   So you have a victim here, the real victim who  
23                   is a real person, and we acknowledge that, who is  
24                   voluntarily sending these pictures. I know that the  
25                   allegation is that he's enticing and coercing, but that's

1 something that's going to be left for trial for a jury  
2 whether or not he coerced these images. He stands here --  
3 sits here as an innocent man right now, and he never even  
4 touched this particular young woman. There's no allegation  
5 whatsoever.

6 Now there's a map and some talk of maybe they  
7 would get together, but he was talking to her for over a  
8 year and there's no evidence whatsoever that they'd ever  
9 even been in the same state. The crime here, according to  
10 the government, is the pictures going back and forth. I  
11 mean ironically, if they actually did get together and  
12 they'd had sex, consensual sex in Michigan, it wouldn't be  
13 a crime. The pictures are a crime, but not the actual  
14 sexual contact.

15 So while we're not -- I'm not trying to belittle  
16 or make light of the fact that it's not appropriate  
17 certainly to have child porn or to send pictures back,  
18 certainly it's immoral, I mean he's a married man, he can't  
19 do that, but she is 17.

With regard to his character, setting aside the  
nature and circumstances of the offense, you know, if  
you -- if you carve out this, this pattern of behavior,  
this is one heck of a man. He's lived a stellar life, no  
criminal history, nothing. He was a marine, active duty in  
Iraq and Afghanistan, he was close to people that died,

1                   IEDs, and while he wasn't in hot sniper fire or hot fire,  
2                   but he was definitely in harm's way. He was honorably  
3                   discharged.

4                   His wife, Tracy, is here, other members of his  
5                   family are here, and they know -- they knew all this before  
6                   we walked in the courtroom today. They knew the  
7                   circumstance of what's going on, and they still support  
8                   him. And the reason they still support him is because they  
9                   know he does have strong character and he's sick. There's  
10                  something that went wrong between the time of his service  
11                  and now, obviously.

12                  He -- he confessed to all this behavior, you  
13                  know, it's going to be very difficult to say he didn't take  
14                  those pictures of himself and send them to the 17 year  
15                  old -- the 17 year old, he didn't receive them back. He's  
16                  not going to say that because if you look at what he did  
17                  was he came in and voluntarily acknowledged his conduct.

18                  He's lived in Grand Rapids, West Michigan his  
19                  whole life, other than the time he was in the Middle East.  
20                  There's no history of sexual abuse either on him or by him  
21                  that the police have been able to produce. I'm sure they  
22                  would have told the Court if he had a history of lingering  
23                  around small children.

24                  He's got no issues with drug or alcohol, and if  
25                  you look at his record of appearance at court proceedings,

1 he was on a \$5,000 bond. A neutral magistrate looked at  
2 that, they knew the information, they had this information,  
3 and I can attest to the Court that I talked to the county  
4 prosecutor about the fact that they knew about this video  
5 and that occurred a week before the preliminary exam, which  
6 occurred a week after his arraignment. And so I talked  
7 specifically to the prosecutor about this and whether or  
8 not he was going to be charged.

1                   worked. If the Court I think, as it's required to do,  
2                   wants to add on a tether, certainly the Court can do that.

THE COURT: I think the Court has to.

4 MR. BORGULA: Yeah, I think the Court has to as  
5 well under the Adam Walsh Act. But I think there are  
6 conditions of bond that will assure that he'll show up and  
7 then assure the safety of the community. He's had no  
8 contact with this individual. The Court has not heard  
9 anything like that, no texts or phone calls or whatever to  
10 the 17 year old, nothing at all, no indirect or direct  
11 contact. And when he was asked about what had happened, he  
12 told the FBI -- well, the FBI Task Force. And that's an  
13 indication to the Court of his response to direction from  
14 authority.

1 THE COURT: All right, thank you. Any brief  
2 rebuttal, Mr. Reust?

3 MR. REUST: Just to address a few of the  
4 arguments, your Honor.

12 THE COURT: All right, thank you. I am going to  
13 release the defendant on bond with many, many conditions.  
14 I just told him this morning that he's presumed innocent  
15 until he's proven guilty beyond a reasonable doubt. I know  
16 these crimes are considered, they are very disfavored, they  
17 seem heinous. I understand that. I get that. But he has  
18 no prior criminal history, he has no substance abuse  
19 history. He -- I agree with the government that he is not  
20 a risk of flight. His behavior in response to the  
21 investigation, what that signals to me is that he's likely  
22 to comply with his conditions of bond, and as I said, they  
23 are going to be quite onerous.

1 determined guilty yet. And when I look at everything else  
2 that if this was not a sexual crime, there's no way he  
3 would be not on bond, I mean given his history. And I also  
4 note his military history and I -- in terms of the  
5 deception about the counseling, sometimes Pretrial Services  
6 is told whoppers. I don't find this one a whopper. I -- I  
7 don't think it's funny, but I just I guess -- so I am going  
8 to release him on bond.

9 I'm going to release you on what's called an  
10 unsecured appearance bond, Mr. Paaue, and there's no doubt  
11 in my mind that if you have any violations of the bond  
12 condition, I will revoke your bond.

13 MR. PAAUWE: Yes, your Honor.

14 THE COURT: This is a very hard case, it's a  
15 tough case, and I'm going to make your bond in the amount  
16 of \$20,000. That doesn't have any -- any effect on you  
17 unless you don't show up for a court appearance. I'm going  
18 to also order that you have location monitoring with a  
19 curfew to be determined by the United States probation  
20 officer per the Adam Walsh Act, that you maintain your  
21 residence and do not move unless you have prior approval  
22 from your probation officer, that your travel is restricted  
23 to the Western District of Michigan, that you surrender  
24 your passport and do not obtain a new one.

25 Is Ms. Osborn still here? Ms. Osborn, do you --

1 who do you want him to surrender his passport to?

2 MS. OSBORN: He can surrender it to our office.

3 THE COURT: Okay.

4 MS. OSBORN: Thank you.

5 THE COURT: Will you surrender that to your  
6 probation officer's office. That you possess no dangerous  
7 weapons, that you have no computer or Internet access  
8 whatsoever, either by phone, iPad, laptop, that you do not  
9 view or possess pornographic materials, that you have no  
10 unsupervised contact with minors, that you definitely have  
11 no contact with any victims of this or any witnesses,  
12 anyone you think might be a witness.

13 Other than G.L., is there anybody else you're  
14 aware of, Mr. Reust?

15 MR. REUST: No identified victims --

16 THE COURT: Okay.

17 MR. REUST: -- that I know of, your Honor.

18 THE COURT: That you avoid locations where  
19 minors are generally found, that is playgrounds, schools,  
20 any place where you know that minors are going to be  
21 around, that you have mental health counseling as directed,  
22 and that you report any law enforcement contact to your  
23 probation officer within -- what's the timeframe? It's 48  
24 hours? 24 hours?

25 MS. OSBORN: I think it's generally 24 hours,

1 your Honor.

2 THE COURT: Okay, within 24 hours. Any other  
3 conditions, Mr. Reust, that you think are appropriate?

4 MR. REUST: Was there any -- was home detention  
5 discussed, your Honor?

6 THE COURT: What I -- what I put him on, which  
7 is what I was told by the pretrial officer is required by  
8 the Adam Walsh Act, is location monitoring with a curfew to  
9 be determined by the U.S. Probation Office. They take  
10 that, that's specifically, as I understand it, in the Adam  
11 Walsh Act.

12 MR. REUST: I think that could be right.

13 Actually I would request home detention, leave it to your  
14 Honor to decide on that.

15 THE COURT: Ms. Osborn, you told me you think  
16 you cannot do home detention under the Adam Walsh Act; is  
17 that correct?

18 MS. OSBORN: The Adam Walsh Act specifically  
19 says curfew, your Honor. When we have home detention and  
20 curfew, they kind of -- they don't mesh, and so we put --  
21 the act actually says curfew.

22 THE COURT: All right. So I'm going to go along  
23 with the statute, okay? This has been explained to me many  
24 times, but I still don't quite understand it. But I'm  
25 going to trust the Pretrial Services officer. Yes, and he

1 may be released today and report first thing tomorrow.

2 Nine o'clock, Ms. Osborn?

3 MS. OSBORN: 8:30, your Honor, with officer  
4 snow.

5 THE COURT: 8:30 to have tether set up.

6 MR. PAAUWE: Yes, your Honor.

7 THE COURT: Anything further from your point of  
8 view, Mr. Reust?

9 MR. REUST: No, your Honor, thank you.

10 THE COURT: All right. I -- if you would sign  
11 that on the signature pad, it will appear on the bond form.  
12 We'll give you a copy of that to take with you today. You  
13 should go back to the Marshal's Office and you'll be  
14 released from there, and check in with Ms. Osborn on the  
15 first floor before you leave here today.

16 MR. PAAUWE: Yes, your Honor.

17 THE COURT: And I'm placing confidence in you  
18 with your background and your behavior to-date not related  
19 to the charges, but your candor. I want you to know I'm  
20 placing a lot of confidence in you.

21 MR. PAAUWE: Yes, ma'am.

22 THE COURT: And I also place confidence in  
23 Mr. Borgula, who is a former prosecutor, that he will make  
24 sure that you comply with your conditions of bond. You  
25 could be held in contempt of court if you do not. I

1                   already told you I will revoke your bond if there are any  
2                   violations of any condition, and I -- we do a pretty good  
3                   job of supervising our bond releasees here.

4                   So anything further from your point of view,  
5                   Mr. Reust?

6                   MR. REUST: No --

7                   THE COURT: Yes?

8                   MR. REUST: -- your Honor, thank you. Oh.

9                   UNIDENTIFIED MALE: He gets an oath, judge.

10                  UNIDENTIFIED MALE: You swear him in on his  
11                  bond.

12                  THE COURT: Oh, that -- I -- I was going to give  
13                  him a copy of his bond papers first, but yes. Thank you so  
14                  much. You've helped me with that before. Okay.

15                  I don't know if I told you this, Mr. Paauwe, but  
16                  you could also be charged with a separate federal crime if  
17                  you fail to show up for a court appearance called bail  
18                  jumping, which I don't think you want to have happen.

19                  MR. PAAUWE: No, your Honor.

20                  THE COURT: Thank you. Would you kindly stand  
21                  and raise your right hand and my deputy clerk will swear  
22                  you on your bond.

23                  THE COURTROOM DEPUTY: Do you swear or affirm  
24                  that you will appear as ordered by the Court, on penalty of  
25                  forfeiting your bail?

1 MR. PAAUWE: Yes.

2 (At 5:08 p.m., Defendant sworn.)

3 THE COURTROOM DEPUTY: Please be seated.

4 THE COURT: And Mr. Reust, I'm going to ask  
5 Ms. Lenon to hand you back your exhibits. Thank you.

6 MR. REUST: Thank you, your Honor.

7 MR. BORGULA: Thank you, your Honor.

8 THE COURT: Do the bond papers appear to be in  
9 order to you, Mr. Borgula?

10 MR. BORGULA: They do, your Honor.

11 THE COURT: Okay. All right, court is  
12 adjourned.

13 MR. BORGULA: Thank you, your Honor.

14 MR. REUST: Thank you, your Honor.

15 (At 5:09 p.m., end of proceedings.)

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN        )  
                              )    ss.  
COUNTY OF KENT            )

I, Bonnie L. Rozema, CER, do hereby certify that this transcript, consisting of 69 pages, is a complete, true, and accurate transcript, to the best of my ability from the audio recordings, of the proceedings and testimony held in this case on February 28, 2019.

I do further certify that I prepared the foregoing transcript.

/s/    Bonnie L. Rozema

Bonnie L. Rozema, CER-5571  
2700 92nd Street, S.W.  
Byron Center, MI 49315  
(616) 878-9091

Notary Public in and for  
Kent County, Michigan  
My commission expires:  
March 26, 2025  
Acting in the County of Kent